

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0159.01 Thomas Morris x4218

SENATE BILL 19-099

SENATE SPONSORSHIP

Todd,

HOUSE SPONSORSHIP

Tipper,

Senate Committees

Business, Labor, & Technology
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE "REVISED UNIFORM ATHLETE AGENTS ACT**
102 **(2015)".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado Commission on Uniform State Laws. Athlete agents who represent students first became regulated in Colorado through the enactment of the "Uniform Athlete Agents Act" in 2008, which, among other requirements, required athlete agents to register with the department of regulatory agencies. The general assembly repealed the registration requirement in 2010.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill enacts the "Revised Uniform Athlete Agents Act (2015)", drafted by the National Conference of Commissioners on Uniform State Laws. The revised act establishes new provisions for registration and renewal of registration for athlete agents, to be administered by the secretary of state. The revised act is subject to sunset review in 2026 and repeals in 2027 if not continued by bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** part 2 of
3 article 16 of title 23.

4 **SECTION 2.** In Colorado Revised Statutes, **add** article 4.5 to title
5 12 as follows:

6 **ARTICLE 4.5**

7 **Revised Uniform Athlete Agents Act (2015)**

8 **12-4.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 4.5 IS
9 THE "REVISED UNIFORM ATHLETE AGENTS ACT (2015)".

10 **12-4.5-102. Definitions.** AS USED IN THIS ARTICLE 4.5, UNLESS
11 THE CONTEXT OTHERWISE REQUIRES:

12 (1) "AGENCY CONTRACT" MEANS AN AGREEMENT IN WHICH A
13 STUDENT ATHLETE AUTHORIZES A PERSON TO NEGOTIATE OR SOLICIT ON
14 BEHALF OF THE STUDENT ATHLETE A PROFESSIONAL-SPORTS-SERVICES
15 CONTRACT OR AN ENDORSEMENT CONTRACT.

16 (2) "ATHLETE AGENT":

17 (a) MEANS AN INDIVIDUAL, WHETHER OR NOT REGISTERED UNDER
18 THIS ARTICLE 4.5, WHO:

19 (I) DIRECTLY OR INDIRECTLY RECRUITS OR SOLICITS A STUDENT
20 ATHLETE TO ENTER INTO AN AGENCY CONTRACT OR, FOR COMPENSATION,
21 PROCURES EMPLOYMENT OR OFFERS, PROMISES, ATTEMPTS, OR
22 NEGOTIATES TO OBTAIN EMPLOYMENT FOR A STUDENT ATHLETE AS A

1 PROFESSIONAL ATHLETE OR MEMBER OF A PROFESSIONAL SPORTS TEAM OR
2 ORGANIZATION;

3 (II) FOR COMPENSATION OR IN ANTICIPATION OF COMPENSATION
4 RELATED TO A STUDENT ATHLETE'S PARTICIPATION IN ATHLETICS:

5 (A) SERVES THE STUDENT ATHLETE IN AN ADVISORY CAPACITY ON
6 A MATTER RELATED TO FINANCES, BUSINESS PURSUITS, OR CAREER
7 MANAGEMENT DECISIONS, UNLESS THE INDIVIDUAL IS AN EMPLOYEE OF AN
8 EDUCATIONAL INSTITUTION AND IS ACTING EXCLUSIVELY AS AN EMPLOYEE
9 OF THE INSTITUTION FOR THE BENEFIT OF THE INSTITUTION; OR

10 (B) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE
11 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR
12 TAXES; OR

13 (III) IN ANTICIPATION OF REPRESENTING A STUDENT ATHLETE FOR
14 A PURPOSE RELATED TO THE STUDENT ATHLETE'S PARTICIPATION IN
15 ATHLETICS:

16 (A) GIVES CONSIDERATION TO THE STUDENT ATHLETE OR
17 ANOTHER PERSON;

18 (B) SERVES THE STUDENT ATHLETE IN AN ADVISORY CAPACITY ON
19 A MATTER RELATED TO FINANCES, BUSINESS PURSUITS, OR CAREER
20 MANAGEMENT DECISIONS; OR

21 (C) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE
22 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR
23 TAXES; BUT

24 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

25 (I) ACTS SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR
26 ORGANIZATION; OR

27 (II) IS A LICENSED, REGISTERED, OR CERTIFIED PROFESSIONAL AND

1 OFFERS OR PROVIDES SERVICES TO A STUDENT ATHLETE THAT ARE
2 CUSTOMARILY PROVIDED BY MEMBERS OF THE PROFESSION, UNLESS THE
3 INDIVIDUAL:

4 (A) ALSO RECRUITS OR SOLICITS THE STUDENT ATHLETE TO ENTER
5 INTO AN AGENCY CONTRACT;

6 (B) ALSO, FOR COMPENSATION, PROCURES EMPLOYMENT OR
7 OFFERS, PROMISES, ATTEMPTS, OR NEGOTIATES TO OBTAIN EMPLOYMENT
8 FOR THE ATHLETE AS A PROFESSIONAL ATHLETE OR MEMBER OF A
9 PROFESSIONAL SPORTS TEAM OR ORGANIZATION; OR

10 (C) RECEIVES CONSIDERATION FOR PROVIDING THE SERVICES,
11 WHICH CONSIDERATION IS CALCULATED USING A DIFFERENT METHOD THAN
12 FOR AN INDIVIDUAL WHO IS NOT A STUDENT ATHLETE.

13 (3) "ATHLETIC DIRECTOR" MEANS THE INDIVIDUAL RESPONSIBLE
14 FOR ADMINISTERING THE OVERALL ATHLETIC PROGRAM OF AN
15 EDUCATIONAL INSTITUTION OR, IF AN EDUCATIONAL INSTITUTION HAS
16 SEPARATELY ADMINISTERED ATHLETIC PROGRAMS FOR MALE STUDENTS
17 AND FEMALE STUDENTS, THE ATHLETIC PROGRAM FOR MALES OR THE
18 ATHLETIC PROGRAM FOR FEMALES, AS APPROPRIATE.

19 (4) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF
20 PROFESSIONS AND OCCUPATIONS CREATED IN THE DEPARTMENT OF
21 REGULATORY AGENCIES PURSUANT TO SECTION 24-34-102 (1)(b), OR THE
22 DIRECTOR'S DESIGNEE.

23 (5) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR PRIVATE
24 ELEMENTARY SCHOOL, SECONDARY SCHOOL, TECHNICAL OR VOCATIONAL
25 SCHOOL, COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

26 (6) "ENDORSEMENT CONTRACT" MEANS AN AGREEMENT UNDER
27 WHICH A STUDENT ATHLETE IS EMPLOYED OR RECEIVES CONSIDERATION

1 TO USE ON BEHALF OF THE OTHER PARTY ANY VALUE THAT THE STUDENT
2 ATHLETE MAY HAVE BECAUSE OF PUBLICITY, REPUTATION, FOLLOWING, OR
3 FAME OBTAINED BECAUSE OF ATHLETIC ABILITY OR PERFORMANCE.

4 (7) "ENROLLED" MEANS REGISTERED FOR COURSES AND
5 ATTENDING ATHLETIC PRACTICE OR CLASS. "ENROLLS" HAS A
6 CORRESPONDING MEANING.

7 (8) "INTERCOLLEGIATE SPORT" MEANS A SPORT PLAYED AT THE
8 COLLEGIATE LEVEL FOR WHICH ELIGIBILITY REQUIREMENTS FOR
9 PARTICIPATION BY A STUDENT ATHLETE ARE ESTABLISHED BY A NATIONAL
10 ASSOCIATION THAT PROMOTES OR REGULATES COLLEGIATE ATHLETICS.

11 (9) "INTERSCHOLASTIC SPORT" MEANS A SPORT PLAYED BETWEEN
12 EDUCATIONAL INSTITUTIONS THAT ARE NOT COMMUNITY COLLEGES,
13 COLLEGES, OR UNIVERSITIES.

14 (10) "LICENSED, REGISTERED, OR CERTIFIED PROFESSIONAL"
15 MEANS AN INDIVIDUAL LICENSED, REGISTERED, OR CERTIFIED AS AN
16 ATTORNEY, DEALER IN SECURITIES, FINANCIAL PLANNER, INSURANCE
17 AGENT, REAL ESTATE BROKER OR SALES AGENT, TAX CONSULTANT,
18 ACCOUNTANT, OR MEMBER OF A PROFESSION, OTHER THAN THAT OF
19 ATHLETE AGENT, WHO IS LICENSED, REGISTERED, OR CERTIFIED BY THE
20 STATE OR A NATIONALLY RECOGNIZED ORGANIZATION THAT LICENSES,
21 REGISTERS, OR CERTIFIES MEMBERS OF THE PROFESSION ON THE BASIS OF
22 EXPERIENCE, EDUCATION, OR TESTING.

23 (11) "PERSON" MEANS AN INDIVIDUAL; ESTATE; BUSINESS OR
24 NONPROFIT ENTITY; PUBLIC CORPORATION; GOVERNMENT OR
25 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY; OR OTHER
26 LEGAL ENTITY.

27 (12) "PROFESSIONAL-SPORTS-SERVICES CONTRACT" MEANS AN

1 AGREEMENT UNDER WHICH AN INDIVIDUAL IS EMPLOYED AS A
2 PROFESSIONAL ATHLETE OR AGREES TO RENDER SERVICES AS A PLAYER ON
3 A PROFESSIONAL SPORTS TEAM OR WITH A PROFESSIONAL SPORTS
4 ORGANIZATION.

5 (13) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A
6 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER
7 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

8 (14) "RECRUIT OR SOLICIT" MEANS TO ATTEMPT TO INFLUENCE THE
9 CHOICE OF AN ATHLETE AGENT BY A STUDENT ATHLETE OR, IF THE
10 STUDENT ATHLETE IS A MINOR, A PARENT OR GUARDIAN OF THE ATHLETE.
11 THE TERM DOES NOT INCLUDE GIVING ADVICE ON THE SELECTION OF A
12 PARTICULAR ATHLETE AGENT IN A FAMILY, COACHING, OR SOCIAL
13 SITUATION UNLESS THE INDIVIDUAL GIVING THE ADVICE DOES SO BECAUSE
14 OF THE RECEIPT OR ANTICIPATED RECEIPT OF AN ECONOMIC BENEFIT,
15 DIRECTLY OR INDIRECTLY, FROM THE ATHLETE AGENT.

16 (15) "REGISTRATION" MEANS REGISTRATION AS AN ATHLETE
17 AGENT UNDER THIS ARTICLE 4.5.

18 (16) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR
19 ADOPT A RECORD:

20 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

21 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD
22 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

23 (17) "STATE" MEANS A STATE OF THE UNITED STATES, THE
24 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
25 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
26 JURISDICTION OF THE UNITED STATES.

27 (18) "STUDENT ATHLETE" MEANS AN INDIVIDUAL WHO IS ELIGIBLE

1 TO ATTEND AN EDUCATIONAL INSTITUTION AND ENGAGES IN, IS ELIGIBLE
2 TO ENGAGE IN, OR MAY BE ELIGIBLE IN THE FUTURE TO ENGAGE IN, ANY
3 INTERSCHOLASTIC OR INTERCOLLEGIATE SPORT. "STUDENT ATHLETE"
4 DOES NOT INCLUDE AN INDIVIDUAL PERMANENTLY INELIGIBLE TO
5 PARTICIPATE IN A PARTICULAR INTERSCHOLASTIC OR INTERCOLLEGIATE
6 SPORT FOR PURPOSES OF THAT SPORT.

7 **12-4.5-103. Authority - procedure - rules.** THE "STATE
8 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, APPLIES TO
9 THIS ARTICLE 4.5. THE DIRECTOR MAY ADOPT RULES PURSUANT TO THE
10 REQUIREMENTS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT" TO
11 IMPLEMENT THIS ARTICLE 4.5.

12 **12-4.5-104. Athlete agent - registration required - void**
13 **contract.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF
14 THIS SECTION, EFFECTIVE JANUARY 1, 2020, AN INDIVIDUAL SHALL NOT
15 ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID
16 CERTIFICATE OF REGISTRATION UNDER THIS ARTICLE 4.5.

17 (2) BEFORE BEING ISSUED A CERTIFICATE OF REGISTRATION UNDER
18 THIS ARTICLE 4.5, AN INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THIS
19 STATE FOR ALL PURPOSES, EXCEPT SIGNING AN AGENCY CONTRACT, IF:

20 (a) A STUDENT ATHLETE OR ANOTHER PERSON ACTING ON BEHALF
21 OF THE STUDENT ATHLETE INITIATES COMMUNICATION WITH THE
22 INDIVIDUAL; AND

23 (b) NOT LATER THAN SEVEN DAYS AFTER AN INITIAL ACTION THAT
24 REQUIRES THE INDIVIDUAL TO REGISTER AS AN ATHLETE AGENT AND THAT
25 OCCURS ON OR AFTER JANUARY 1, 2020, THE INDIVIDUAL SUBMITS AN
26 APPLICATION FOR REGISTRATION AS AN ATHLETE AGENT IN THIS STATE.

27 (3) AN AGENCY CONTRACT THAT RESULTS FROM CONDUCT IN

1 VIOLATION OF THIS SECTION IS VOID, AND THE ATHLETE AGENT OR
2 INDIVIDUAL SHALL RETURN ANY CONSIDERATION RECEIVED UNDER THE
3 CONTRACT.

4 **12-4.5-105. Registration as athlete agent - application -**
5 **requirements - reciprocal registration.** (1) AN APPLICANT FOR
6 REGISTRATION AS AN ATHLETE AGENT MUST SUBMIT AN APPLICATION FOR
7 REGISTRATION TO THE DIRECTOR IN A FORM PRESCRIBED BY THE
8 DIRECTOR. THE APPLICANT MUST BE AN INDIVIDUAL, AND THE APPLICANT
9 SHALL SIGN THE APPLICATION UNDER PENALTY OF PERJURY. THE
10 APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING INFORMATION:

11 (a) THE NAME AND DATE AND PLACE OF BIRTH OF THE APPLICANT
12 AND THE FOLLOWING CONTACT INFORMATION FOR THE APPLICANT:

13 (I) THE ADDRESS OF THE APPLICANT'S PRINCIPAL PLACE OF
14 BUSINESS;

15 (II) WORK AND MOBILE TELEPHONE NUMBERS; AND

16 (III) ANY MEANS OF COMMUNICATING ELECTRONICALLY,
17 INCLUDING A FACSIMILE NUMBER, ELECTRONIC MAIL ADDRESS, AND
18 PERSONAL AND BUSINESS OR EMPLOYER WEBSITES;

19 (b) THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF
20 APPLICABLE, INCLUDING FOR EACH BUSINESS OR EMPLOYER ITS MAILING
21 ADDRESS, TELEPHONE NUMBER, ORGANIZATION FORM, AND THE NATURE
22 OF THE BUSINESS;

23 (c) EACH SOCIAL MEDIA ACCOUNT WITH WHICH THE APPLICANT OR
24 THE APPLICANT'S BUSINESS OR EMPLOYER IS AFFILIATED;

25 (d) EACH BUSINESS OR OCCUPATION IN WHICH THE APPLICANT
26 ENGAGED WITHIN FIVE YEARS BEFORE THE DATE OF THE APPLICATION,
27 INCLUDING SELF-EMPLOYMENT AND EMPLOYMENT BY OTHERS, AND ANY

1 PROFESSIONAL OR OCCUPATIONAL LICENSE, REGISTRATION, OR
2 CERTIFICATION HELD BY THE APPLICANT DURING THAT TIME;

3 (e) A DESCRIPTION OF THE APPLICANT'S:

4 (I) FORMAL TRAINING AS AN ATHLETE AGENT;

5 (II) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT; AND

6 (III) EDUCATIONAL BACKGROUND RELATING TO THE APPLICANT'S
7 ACTIVITIES AS AN ATHLETE AGENT;

8 (f) THE NAME OF EACH STUDENT ATHLETE FOR WHOM THE
9 APPLICANT ACTED AS AN ATHLETE AGENT WITHIN THE FIVE YEARS PRIOR
10 TO THE DATE OF THE APPLICATION OR, IF THE STUDENT ATHLETE IS A
11 MINOR, THE NAME OF THE STUDENT ATHLETE'S PARENT OR GUARDIAN,
12 TOGETHER WITH THE STUDENT ATHLETE'S SPORT AND LAST-KNOWN TEAM;

13 (g) THE NAME AND ADDRESS OF EACH PERSON WHO:

14 (I) IS A PARTNER, MEMBER, OFFICER, MANAGER, ASSOCIATE, OR
15 PROFIT SHARER OR DIRECTLY OR INDIRECTLY HOLDS AN EQUITY INTEREST
16 OF FIVE PERCENT OR GREATER OF THE ATHLETE AGENT'S BUSINESS IF IT IS
17 NOT A CORPORATION; AND

18 (II) IS AN OFFICER OR DIRECTOR OF A CORPORATION EMPLOYING
19 THE ATHLETE AGENT OR A SHAREHOLDER HAVING AN INTEREST OF FIVE
20 PERCENT OR GREATER IN THE CORPORATION;

21 (h) A DESCRIPTION OF THE STATUS OF ANY APPLICATION BY THE
22 APPLICANT, OR ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF
23 THIS SECTION, FOR A STATE OR FEDERAL BUSINESS, PROFESSIONAL, OR
24 OCCUPATIONAL LICENSE, OTHER THAN AS AN ATHLETE AGENT, FROM A
25 STATE OR FEDERAL AGENCY, INCLUDING ANY DENIAL, REFUSAL TO RENEW,
26 SUSPENSION, WITHDRAWAL, OR TERMINATION OF THE LICENSE AND ANY
27 REPRIMAND OR CENSURE RELATED TO THE LICENSE;

1 (i) WHETHER THE APPLICANT, OR ANY PERSON NAMED PURSUANT
2 TO SUBSECTION (1)(g) OF THIS SECTION, HAS PLEADED GUILTY OR NO
3 CONTEST TO, HAS BEEN CONVICTED OF, OR HAS CHARGES PENDING FOR, A
4 CRIME THAT WOULD INVOLVE MORAL TURPITUDE OR BE A FELONY IF
5 COMMITTED IN THIS STATE AND, IF SO, IDENTIFICATION OF:

- 6 (I) THE CRIME;
- 7 (II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND
- 8 (III) IF APPLICABLE, THE DATE OF THE CONVICTION AND THE FINE
9 OR PENALTY IMPOSED;

10 (j) WHETHER, WITHIN FIFTEEN YEARS BEFORE THE DATE OF
11 APPLICATION, THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
12 SUBSECTION (1)(g) OF THIS SECTION, HAS BEEN A DEFENDANT OR
13 RESPONDENT IN A CIVIL PROCEEDING, INCLUDING A PROCEEDING SEEKING
14 AN ADJUDICATION AND, IF SO, THE DATE AND A FULL EXPLANATION OF
15 EACH PROCEEDING;

16 (k) WHETHER THE APPLICANT, OR ANY PERSON NAMED PURSUANT
17 TO SUBSECTION (1)(g) OF THIS SECTION, HAS AN UNSATISFIED JUDGMENT
18 OR A JUDGMENT OF CONTINUING EFFECT, INCLUDING SPOUSAL
19 MAINTENANCE OR A DOMESTIC ORDER IN THE NATURE OF CHILD SUPPORT,
20 WHICH IS NOT CURRENT AT THE DATE OF THE APPLICATION;

21 (l) WHETHER, WITHIN TEN YEARS BEFORE THE DATE OF
22 APPLICATION, THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
23 SUBSECTION (1)(g) OF THIS SECTION, WAS ADJUDICATED BANKRUPT OR
24 WAS AN OWNER OF A BUSINESS THAT WAS ADJUDICATED BANKRUPT;

25 (m) WHETHER THERE HAS BEEN ANY ADMINISTRATIVE OR JUDICIAL
26 DETERMINATION THAT THE APPLICANT, OR ANY PERSON NAMED PURSUANT
27 TO SUBSECTION (1)(g) OF THIS SECTION, MADE A FALSE, MISLEADING,

1 DECEPTIVE, OR FRAUDULENT REPRESENTATION;

2 (n) EACH INSTANCE IN WHICH CONDUCT OF THE APPLICANT, OR
3 ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION,
4 RESULTED IN THE IMPOSITION OF A SANCTION, SUSPENSION, OR
5 DECLARATION OF INELIGIBILITY TO PARTICIPATE IN AN INTERSCHOLASTIC,
6 INTERCOLLEGIATE, OR PROFESSIONAL ATHLETIC EVENT ON A STUDENT
7 ATHLETE OR A SANCTION ON AN EDUCATIONAL INSTITUTION;

8 (o) EACH SANCTION, SUSPENSION, OR DISCIPLINARY ACTION TAKEN
9 AGAINST THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
10 SUBSECTION (1)(g) OF THIS SECTION, ARISING OUT OF OCCUPATIONAL OR
11 PROFESSIONAL CONDUCT;

12 (p) WHETHER THERE HAS BEEN A DENIAL OF AN APPLICATION FOR,
13 SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, OR ABANDONMENT
14 OF, THE REGISTRATION OF THE APPLICANT, OR ANY PERSON NAMED
15 PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION, AS AN ATHLETE AGENT
16 IN ANY STATE;

17 (q) EACH STATE IN WHICH THE APPLICANT IS CURRENTLY
18 REGISTERED AS AN ATHLETE AGENT OR HAS APPLIED TO BE REGISTERED AS
19 AN ATHLETE AGENT;

20 (r) IF THE APPLICANT IS CERTIFIED OR REGISTERED BY A
21 PROFESSIONAL LEAGUE OR PLAYERS ASSOCIATION:

22 (I) THE NAME OF THE LEAGUE OR ASSOCIATION;

23 (II) THE DATE OF CERTIFICATION OR REGISTRATION, AND THE DATE
24 OF EXPIRATION OF THE CERTIFICATION OR REGISTRATION, IF ANY; AND

25 (III) IF APPLICABLE, THE DATE OF ANY DENIAL OF AN APPLICATION
26 FOR, SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, WITHDRAWAL
27 OF, OR TERMINATION OF, THE CERTIFICATION OR REGISTRATION OR ANY

1 REPRIMAND OR CENSURE RELATED TO THE CERTIFICATION OR
2 REGISTRATION; AND

3 (s) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIRECTOR.

4 (2) INSTEAD OF PROCEEDING AS PROVIDED IN SUBSECTION (1) OF
5 THIS SECTION, AN INDIVIDUAL REGISTERED AS AN ATHLETE AGENT IN
6 ANOTHER STATE MAY APPLY FOR REGISTRATION AS AN ATHLETE AGENT IN
7 THIS STATE BY SUBMITTING THE FOLLOWING INFORMATION TO THE
8 DIRECTOR:

9 (a) A COPY OF THE APPLICATION FOR REGISTRATION IN THE OTHER
10 STATE;

11 (b) A STATEMENT THAT IDENTIFIES ANY MATERIAL CHANGE IN THE
12 INFORMATION ON THE APPLICATION IN THE OTHER STATE OR VERIFIES
13 THERE IS NO MATERIAL CHANGE IN THE INFORMATION, SIGNED UNDER
14 PENALTY OF PERJURY; AND

15 (c) A COPY OF THE CERTIFICATE OF REGISTRATION FROM THE
16 OTHER STATE.

17 (3) THE DIRECTOR SHALL ISSUE A CERTIFICATE OF REGISTRATION
18 TO AN INDIVIDUAL WHO APPLIES FOR REGISTRATION PURSUANT TO
19 SUBSECTION (2) OF THIS SECTION IF THE DIRECTOR DETERMINES THAT:

20 (a) THE APPLICATION AND REGISTRATION REQUIREMENTS OF THE
21 OTHER STATE ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE
22 THAN THOSE OF THIS ARTICLE 4.5; AND

23 (b) THE REGISTRATION HAS NOT BEEN REVOKED OR SUSPENDED
24 AND NO ACTION INVOLVING THE INDIVIDUAL'S CONDUCT AS AN ATHLETE
25 AGENT IS PENDING AGAINST THE INDIVIDUAL OR THE INDIVIDUAL'S
26 REGISTRATION IN ANY STATE.

27 (4) FOR PURPOSES OF IMPLEMENTING SUBSECTION (3) OF THIS

1 SECTION, THE DIRECTOR SHALL:

2 (a) COOPERATE WITH NATIONAL ORGANIZATIONS CONCERNED
3 WITH ATHLETE AGENT ISSUES AND AGENCIES IN OTHER STATES THAT
4 REGISTER ATHLETE AGENTS TO DEVELOP A COMMON REGISTRATION FORM
5 AND DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY
6 SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS ARTICLE 4.5; AND

7 (b) EXCHANGE INFORMATION, INCLUDING INFORMATION RELATED
8 TO ACTIONS TAKEN AGAINST REGISTERED ATHLETE AGENTS OR THEIR
9 REGISTRATIONS, WITH THOSE ORGANIZATIONS AND AGENCIES SPECIFIED IN
10 SUBSECTION (4)(a) OF THIS SECTION.

11 **12-4.5-106. Certificate of registration - issuance or denial -**
12 **renewal.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
13 SECTION, THE DIRECTOR SHALL ISSUE A CERTIFICATE OF REGISTRATION TO
14 AN APPLICANT FOR REGISTRATION WHO COMPLIES WITH THE PROVISIONS
15 OF SECTION 12-4.5-105 (1).

16 (2) THE DIRECTOR MAY REFUSE TO ISSUE A CERTIFICATE OF
17 REGISTRATION TO AN APPLICANT FOR REGISTRATION UNDER SECTION
18 12-4.5-105 (1) IF THE DIRECTOR DETERMINES THAT THE APPLICANT HAS
19 ENGAGED IN CONDUCT THAT SIGNIFICANTLY ADVERSELY REFLECTS ON THE
20 APPLICANT'S FITNESS TO ACT AS AN ATHLETE AGENT. IN MAKING THE
21 DETERMINATION, THE DIRECTOR MAY CONSIDER WHETHER THE APPLICANT
22 HAS:

23 (a) PLEADED GUILTY OR NO CONTEST TO, HAS BEEN CONVICTED OF,
24 OR HAS CHARGES PENDING FOR, A CRIME THAT WOULD INVOLVE MORAL
25 TURPITUDE OR BE A FELONY IF COMMITTED IN THIS STATE;

26 (b) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR
27 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE

1 AGENT;

2 (c) ENGAGED IN CONDUCT THAT WOULD DISQUALIFY THE
3 APPLICANT FROM SERVING IN A FIDUCIARY CAPACITY;

4 (d) ENGAGED IN CONDUCT PROHIBITED BY SECTION 12-4.5-114;

5 (e) HAD A REGISTRATION AS AN ATHLETE AGENT SUSPENDED,
6 REVOKED, OR DENIED IN ANY STATE;

7 (f) BEEN REFUSED RENEWAL OF REGISTRATION AS AN ATHLETE
8 AGENT IN ANY STATE;

9 (g) ENGAGED IN CONDUCT RESULTING IN THE IMPOSITION OF A
10 SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO
11 PARTICIPATE IN AN INTERSCHOLASTIC, INTERCOLLEGIATE, OR
12 PROFESSIONAL ATHLETIC EVENT ON A STUDENT ATHLETE OR A SANCTION
13 ON AN EDUCATIONAL INSTITUTION; OR

14 (h) ENGAGED IN CONDUCT THAT ADVERSELY REFLECTS ON THE
15 APPLICANT'S CREDIBILITY, HONESTY, OR INTEGRITY.

16 (3) IN MAKING A DETERMINATION PURSUANT TO SUBSECTION (2)
17 OF THIS SECTION, THE DIRECTOR SHALL CONSIDER:

18 (a) HOW RECENTLY THE CONDUCT OCCURRED;

19 (b) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT
20 OCCURRED; AND

21 (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

22 (4) AN ATHLETE AGENT REGISTERED UNDER SUBSECTION (1) OF
23 THIS SECTION MAY APPLY TO RENEW THE REGISTRATION BY SUBMITTING
24 AN APPLICATION FOR RENEWAL IN A FORM PRESCRIBED BY THE DIRECTOR.
25 THE APPLICANT SHALL SIGN THE APPLICATION FOR RENEWAL UNDER
26 PENALTY OF PERJURY AND INCLUDE CURRENT INFORMATION ON ALL
27 MATTERS REQUIRED IN AN ORIGINAL APPLICATION FOR REGISTRATION.

1 (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION
2 12-4.5-105(3) MAY RENEW THE REGISTRATION BY PROCEEDING PURSUANT
3 TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION IN THE
4 OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE DIRECTOR
5 COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE AND THE
6 RENEWED REGISTRATION FROM THE OTHER STATE. THE DIRECTOR SHALL
7 RENEW THE REGISTRATION IF THE DIRECTOR DETERMINES THAT:

8 (a) THE REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE
9 SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS
10 ARTICLE 4.5; AND

11 (b) THE RENEWED REGISTRATION HAS NOT BEEN SUSPENDED OR
12 REVOKED AND NO ACTION INVOLVING THE INDIVIDUAL'S CONDUCT AS AN
13 ATHLETE AGENT IS PENDING AGAINST THE INDIVIDUAL OR THE
14 INDIVIDUAL'S REGISTRATION IN ANY STATE.

15 (6) A CERTIFICATE OF REGISTRATION OR RENEWAL OF
16 REGISTRATION UNDER THIS ARTICLE 4.5 IS VALID FOR TWO YEARS.

17 **12-4.5-107. Suspension, revocation, or refusal to renew**
18 **registration.** (1) THE DIRECTOR MAY LIMIT, SUSPEND, REVOKE, OR
19 REFUSE TO RENEW A REGISTRATION OF AN INDIVIDUAL REGISTERED UNDER
20 SECTION 12-4.5-106 (1) FOR CONDUCT THAT WOULD HAVE JUSTIFIED
21 REFUSAL TO ISSUE A CERTIFICATE OF REGISTRATION UNDER SECTION
22 12-4.5-106 (2).

23 (2) THE DIRECTOR MAY SUSPEND OR REVOKE THE REGISTRATION
24 OF AN INDIVIDUAL REGISTERED UNDER SECTION 12-4.5-105 (3) OR
25 RENEWED UNDER SECTION 12-4.5-106 (5) FOR ANY REASON FOR WHICH
26 THE DIRECTOR COULD HAVE REFUSED TO GRANT OR RENEW REGISTRATION
27 OR FOR CONDUCT THAT WOULD JUSTIFY REFUSAL TO ISSUE A CERTIFICATE

1 OF REGISTRATION UNDER SECTION 12-4.5-106 (2).

2 **12-4.5-108. Temporary registration.** THE DIRECTOR MAY ISSUE
3 A TEMPORARY CERTIFICATE OF REGISTRATION AS AN ATHLETE AGENT
4 WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION
5 IS PENDING.

6 **12-4.5-109. Registration and renewal fees.** AN APPLICATION FOR
7 REGISTRATION OR RENEWAL OF REGISTRATION AS AN ATHLETE AGENT
8 MUST BE ACCOMPANIED BY A FEE IN THE AMOUNT DETERMINED BY RULE
9 OF THE DIRECTOR.

10 **12-4.5-110. Required form of agency contract.** (1) AN AGENCY
11 CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

12 (2) AN AGENCY CONTRACT MUST CONTAIN:

13 (a) A STATEMENT THAT THE ATHLETE AGENT IS REGISTERED AS AN
14 ATHLETE AGENT IN THIS STATE AND A LIST OF ANY OTHER STATES IN
15 WHICH THE ATHLETE AGENT IS REGISTERED AS AN ATHLETE AGENT;

16 (b) THE AMOUNT AND METHOD OF CALCULATING THE
17 CONSIDERATION TO BE PAID BY THE STUDENT ATHLETE FOR SERVICES TO
18 BE PROVIDED BY THE ATHLETE AGENT UNDER THE CONTRACT AND ANY
19 OTHER CONSIDERATION THE ATHLETE AGENT HAS RECEIVED OR WILL
20 RECEIVE FROM ANY OTHER SOURCE FOR ENTERING INTO THE CONTRACT OR
21 FOR PROVIDING THE SERVICES;

22 (c) THE NAME OF ANY PERSON NOT LISTED IN THE ATHLETE
23 AGENT'S APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION
24 THAT WILL BE COMPENSATED BECAUSE THE STUDENT ATHLETE SIGNED THE
25 CONTRACT;

26 (d) A DESCRIPTION OF ANY EXPENSES THE STUDENT ATHLETE
27 AGREES TO REIMBURSE;

1 (e) A DESCRIPTION OF THE SERVICES TO BE PROVIDED TO THE
2 STUDENT ATHLETE BY THE ATHLETE AGENT;

3 (f) THE DURATION OF THE CONTRACT; AND

4 (g) THE DATE OF EXECUTION.

5 (3) SUBJECT TO SUBSECTION (7) OF THIS SECTION, AN AGENCY
6 CONTRACT MUST CONTAIN A CONSPICUOUS NOTICE IN BOLD-FACED TYPE
7 AND IN SUBSTANTIALLY THE FOLLOWING FORM:

8 **WARNING TO STUDENT ATHLETE**

9 **IF YOU SIGN THIS CONTRACT:**

10 **(1) YOU MAY LOSE YOUR ELIGIBILITY TO**
11 **COMPETE AS A STUDENT ATHLETE IN YOUR**
12 **SPORT;**

13 **(2) IF YOU HAVE AN ATHLETIC DIRECTOR,**
14 **WITHIN 72 HOURS AFTER SIGNING THIS**
15 **CONTRACT OR BEFORE THE NEXT SCHEDULED**
16 **ATHLETIC EVENT IN WHICH YOU PARTICIPATE,**
17 **WHICHEVER OCCURS FIRST, BOTH YOU AND**
18 **YOUR ATHLETE AGENT MUST NOTIFY YOUR**
19 **ATHLETIC DIRECTOR THAT YOU HAVE**
20 **ENTERED INTO THIS CONTRACT AND PROVIDE**
21 **THE NAME AND CONTACT INFORMATION OF**
22 **THE ATHLETE AGENT; AND**

23 **(3) YOU MAY CANCEL THIS CONTRACT**
24 **WITHIN 14 DAYS AFTER SIGNING IT.**
25 **CANCELLATION OF THIS CONTRACT MAY NOT**
26 **REINSTATE YOUR ELIGIBILITY AS A STUDENT**
27 **ATHLETE IN YOUR SPORT.**

1 (4) AN AGENCY CONTRACT MUST BE ACCOMPANIED BY A
2 SEPARATE RECORD SIGNED BY THE STUDENT ATHLETE OR, IF THE STUDENT
3 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN,
4 ACKNOWLEDGING THAT SIGNING THE CONTRACT MAY RESULT IN THE LOSS
5 OF THE STUDENT ATHLETE'S ELIGIBILITY TO PARTICIPATE IN THE STUDENT
6 ATHLETE'S SPORT.

7 (5) A STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR,
8 THE STUDENT ATHLETE'S PARENT OR GUARDIAN MAY VOID AN AGENCY
9 CONTRACT THAT DOES NOT CONFORM TO THIS SECTION. IF THE CONTRACT
10 IS VOIDED, THE STUDENT ATHLETE IS NOT REQUIRED TO RETURN ANY
11 CONSIDERATION RECEIVED FROM THE ATHLETE AGENT UNDER THE
12 CONTRACT TO INDUCE ENTERING INTO THE CONTRACT.

13 (6) AT THE TIME AN AGENCY CONTRACT IS EXECUTED, THE
14 ATHLETE AGENT SHALL GIVE THE STUDENT ATHLETE OR, IF THE STUDENT
15 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN A
16 COPY IN A RECORD OF THE CONTRACT AND THE SEPARATE
17 ACKNOWLEDGMENT REQUIRED BY SUBSECTION (4) OF THIS SECTION.

18 (7) IF A STUDENT ATHLETE IS A MINOR, AN AGENCY CONTRACT
19 MUST BE SIGNED BY THE STUDENT ATHLETE'S PARENT OR GUARDIAN AND
20 THE NOTICE REQUIRED BY SUBSECTION (3) OF THIS SECTION MUST BE
21 REVISED ACCORDINGLY.

22 **12-4.5-111. Notice to educational institution - definition.**

23 (1) AS USED IN THIS SECTION, "COMMUNICATING OR ATTEMPTING TO
24 COMMUNICATE" MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN
25 IN-PERSON MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS
26 OR ATTEMPTS TO CONVEY A MESSAGE.

27 (2) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN

1 AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
2 WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS
3 FIRST, THE ATHLETE AGENT SHALL GIVE NOTICE, IN A RECORD, OF THE
4 EXISTENCE OF THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE
5 EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS ENROLLED
6 OR AT WHICH THE ATHLETE AGENT HAS REASONABLE GROUNDS TO
7 BELIEVE THE ATHLETE INTENDS TO ENROLL.

8 (3) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN
9 AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
10 WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS
11 FIRST, THE STUDENT ATHLETE SHALL INFORM THE ATHLETIC DIRECTOR OF
12 THE EDUCATIONAL INSTITUTION AT WHICH THE ATHLETE IS ENROLLED
13 THAT THE ATHLETE HAS ENTERED INTO AN AGENCY CONTRACT AND THE
14 NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT.

15 (4) IF AN ATHLETE AGENT ENTERS INTO AN AGENCY CONTRACT
16 WITH A STUDENT ATHLETE AND THE STUDENT ATHLETE SUBSEQUENTLY
17 ENROLLS AT AN EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL
18 NOTIFY THE ATHLETIC DIRECTOR OF THE EDUCATIONAL INSTITUTION OF
19 THE CONTRACT'S EXISTENCE WITHIN SEVENTY-TWO HOURS AFTER THE
20 ATHLETE AGENT KNEW OR SHOULD HAVE KNOWN OF THE STUDENT
21 ATHLETE'S ENROLLMENT.

22 (5) IF AN ATHLETE AGENT HAS A RELATIONSHIP WITH A STUDENT
23 ATHLETE BEFORE THE STUDENT ATHLETE ENROLLS IN AN EDUCATIONAL
24 INSTITUTION AND RECEIVES AN ATHLETIC SCHOLARSHIP FROM THE
25 EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL NOTIFY THE
26 EDUCATIONAL INSTITUTION OF THE RELATIONSHIP WITHIN TEN DAYS AFTER
27 THE STUDENT ATHLETE'S ENROLLMENT IF THE ATHLETE AGENT KNOWS OR

1 SHOULD HAVE KNOWN OF THE ENROLLMENT AND:

2 (a) THE RELATIONSHIP WAS MOTIVATED IN WHOLE OR IN PART BY
3 THE INTENTION OF THE ATHLETE AGENT TO RECRUIT OR SOLICIT THE
4 STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT IN THE FUTURE;
5 OR

6 (b) THE ATHLETE AGENT DIRECTLY OR INDIRECTLY RECRUITED OR
7 SOLICITED THE STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT
8 BEFORE THE ENROLLMENT.

9 (6) AN ATHLETE AGENT SHALL GIVE NOTICE IN A RECORD TO THE
10 ATHLETIC DIRECTOR OF ANY EDUCATIONAL INSTITUTION AT WHICH A
11 STUDENT ATHLETE IS ENROLLED BEFORE THE ATHLETE AGENT
12 COMMUNICATES OR ATTEMPTS TO COMMUNICATE WITH:

13 (a) THE STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A
14 MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO INFLUENCE THE
15 STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
16 ENTER INTO AN AGENCY CONTRACT; OR

17 (b) ANOTHER INDIVIDUAL WITH THE INTENT OF HAVING THAT
18 INDIVIDUAL INFLUENCE THE STUDENT ATHLETE OR, IF THE STUDENT
19 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
20 ENTER INTO AN AGENCY CONTRACT.

21 (7) IF A COMMUNICATION OR AN ATTEMPT TO COMMUNICATE WITH
22 AN ATHLETE AGENT IS INITIATED BY A STUDENT ATHLETE OR ANOTHER
23 INDIVIDUAL ON BEHALF OF THE STUDENT ATHLETE, THE ATHLETE AGENT
24 SHALL NOTIFY, IN A RECORD, THE ATHLETIC DIRECTOR OF ANY
25 EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS
26 ENROLLED. THE NOTIFICATION MUST BE MADE WITHIN TEN DAYS AFTER
27 THE COMMUNICATION OR ATTEMPT TO COMMUNICATE.

1 (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A
2 VIOLATION OF THIS ARTICLE 4.5 BY AN ATHLETE AGENT SHALL PROVIDE
3 NOTICE OF THE VIOLATION TO THE DIRECTOR AND ANY PROFESSIONAL
4 LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL
5 INSTITUTION IS AWARE THE ATHLETE AGENT IS LICENSED OR REGISTERED.

6 **12-4.5-112. Student athlete's right to cancel.** (1) A STUDENT
7 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT
8 ATHLETE'S PARENT OR GUARDIAN MAY:

9 (a) CANCEL AN AGENCY CONTRACT BY GIVING NOTICE IN A
10 RECORD OF CANCELLATION TO THE ATHLETE AGENT WITHIN FOURTEEN
11 DAYS AFTER THE CONTRACT IS SIGNED; AND

12 (b) NOT WAIVE THE RIGHT TO CANCEL AN AGENCY CONTRACT.

13 (2) IF A STUDENT ATHLETE, PARENT, OR GUARDIAN CANCELS AN
14 AGENCY CONTRACT, THE STUDENT ATHLETE, PARENT, OR GUARDIAN IS
15 NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE CONTRACT OR
16 RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE AGENT TO
17 INFLUENCE THE STUDENT ATHLETE TO ENTER INTO THE AGENCY
18 CONTRACT.

19 **12-4.5-113. Required records.** (1) AN ATHLETE AGENT SHALL
20 CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE
21 YEARS:

22 (a) THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED
23 BY THE ATHLETE AGENT;

24 (b) EACH AGENCY CONTRACT ENTERED INTO BY THE ATHLETE
25 AGENT; AND

26 (c) THE DIRECT COSTS INCURRED BY THE ATHLETE AGENT IN THE
27 RECRUITMENT OR SOLICITATION OF EACH STUDENT ATHLETE TO ENTER

1 INTO AN AGENCY CONTRACT.

2 (2) THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION
3 ARE OPEN TO INSPECTION BY THE DIRECTOR DURING NORMAL BUSINESS
4 HOURS.

5 **12-4.5-114. Prohibited conduct - definition.** (1) EXCEPT AS
6 PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ATHLETE AGENT, WITH
7 THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT
8 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
9 ENTER INTO AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE
10 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR
11 ASSIST ANY OTHER INDIVIDUAL IN TAKING ANY OF THE FOLLOWING
12 ACTIONS ON BEHALF OF THE ATHLETE AGENT:

13 (a) GIVE MATERIALLY FALSE OR MISLEADING INFORMATION OR
14 MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION;

15 (b) FURNISH ANYTHING OF VALUE TO A STUDENT ATHLETE BEFORE
16 THE STUDENT ATHLETE ENTERS INTO THE AGENCY CONTRACT; OR

17 (c) FURNISH ANYTHING OF VALUE TO ANY INDIVIDUAL OTHER
18 THAN THE STUDENT ATHLETE OR ANOTHER REGISTERED ATHLETE AGENT.

19 (2) AN ATHLETE AGENT MAY NOT INTENTIONALLY DO ANY OF THE
20 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO DO ANY
21 OF THE FOLLOWING ACTIONS ON BEHALF OF THE ATHLETE AGENT:

22 (a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT
23 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT
24 ATHLETE'S PARENT OR GUARDIAN TO RECRUIT OR SOLICIT THE STUDENT
25 ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO ENTER
26 INTO AN AGENCY CONTRACT UNLESS THE ATHLETE AGENT IS PROPERLY
27 REGISTERED PURSUANT TO THIS ARTICLE 4.5;

1 (b) FAIL TO CREATE, RETAIN, OR PERMIT INSPECTION OF THE
2 RECORDS REQUIRED TO BE RETAINED BY SECTION 12-4.5-113;

3 (c) FAIL TO REGISTER WHEN REQUIRED BY SECTION 12-4.5-104;

4 (d) PROVIDE MATERIALLY FALSE OR MISLEADING INFORMATION IN
5 AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION;

6 (e) PREDATE OR POSTDATE AN AGENCY CONTRACT; OR

7 (f) FAIL TO NOTIFY A STUDENT ATHLETE OR, IF THE STUDENT
8 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN
9 BEFORE THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR
10 GUARDIAN SIGNS AN AGENCY CONTRACT FOR A PARTICULAR SPORT THAT
11 THE SIGNING MAY MAKE THE STUDENT ATHLETE INELIGIBLE TO
12 PARTICIPATE AS A STUDENT ATHLETE IN THAT SPORT.

13 (3) (a) AS USED IN THIS SUBSECTION (3), "CERTIFIED ATHLETE
14 AGENT" MEANS AN ATHLETE AGENT REGISTERED UNDER THIS ARTICLE 4.5
15 WHO IS CERTIFIED TO BE AN ATHLETE AGENT IN A PARTICULAR SPORT BY
16 A NATIONAL ASSOCIATION THAT PROMOTES OR REGULATES
17 INTERCOLLEGIATE ATHLETICS AND ESTABLISHES ELIGIBILITY STANDARDS
18 FOR PARTICIPATION BY A STUDENT ATHLETE IN THAT SPORT.

19 (b) A CERTIFIED ATHLETE AGENT MAY PAY EXPENSES INCURRED
20 BEFORE THE SIGNING OF AN AGENCY CONTRACT BY A STUDENT ATHLETE,
21 A FAMILY MEMBER OF THE STUDENT ATHLETE, OR AN INDIVIDUAL OF A
22 CLASS OF INDIVIDUALS AUTHORIZED TO RECEIVE THE EXPENSES BY THE
23 NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT IF THE EXPENSES
24 ARE:

25 (I) FOR THE BENEFIT OF AN ATHLETE WHO IS A MEMBER OF A CLASS
26 OF ATHLETES AUTHORIZED TO RECEIVE THE BENEFIT BY THE NATIONAL
27 ASSOCIATION THAT CERTIFIED THE AGENT;

1 (II) OF A TYPE AUTHORIZED TO BE PAID BY A CERTIFIED ATHLETE
2 AGENT BY THE NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT; AND

3 (III) FOR A PURPOSE AUTHORIZED BY THE NATIONAL ASSOCIATION
4 THAT CERTIFIED THE AGENT.

5 **12-4.5-115. Criminal penalties.** AN ATHLETE AGENT WHO
6 VIOLATES SECTION 12-4.5-114 COMMITS A CLASS 2 MISDEMEANOR AND
7 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501 FOR THE FIRST
8 OFFENSE, AND COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
9 PROVIDED IN SECTION 18-1.3-401 FOR A SECOND OR SUBSEQUENT
10 OFFENSE.

11 **12-4.5-116. Civil remedy.** (1) AN EDUCATIONAL INSTITUTION OR
12 STUDENT ATHLETE MAY BRING AN ACTION FOR DAMAGES AGAINST AN
13 ATHLETE AGENT IF THE EDUCATIONAL INSTITUTION OR STUDENT ATHLETE
14 IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF THE ATHLETE AGENT
15 IN VIOLATION OF THIS ARTICLE 4.5. AN EDUCATIONAL INSTITUTION OR
16 STUDENT ATHLETE IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF
17 AN ATHLETE AGENT ONLY IF, BECAUSE OF THE ACT OR OMISSION, THE
18 EDUCATIONAL INSTITUTION OR AN INDIVIDUAL WHO WAS A STUDENT
19 ATHLETE AT THE TIME OF THE ACT OR OMISSION AND WHO WAS ALSO
20 ENROLLED IN THE EDUCATIONAL INSTITUTION:

21 (a) IS SUSPENDED OR DISQUALIFIED FROM PARTICIPATION IN AN
22 INTERSCHOLASTIC OR INTERCOLLEGIATE SPORTS EVENT BY OR UNDER THE
23 RULES OF A STATE OR NATIONAL FEDERATION OR ASSOCIATION THAT
24 PROMOTES OR REGULATES INTERSCHOLASTIC OR INTERCOLLEGIATE
25 SPORTS; OR

26 (b) SUFFERS FINANCIAL DAMAGE.

27 (2) A PLAINTIFF THAT PREVAILS IN AN ACTION UNDER THIS SECTION

1 MAY RECOVER COSTS AND REASONABLE ATTORNEY FEES. AN ATHLETE
2 AGENT FOUND LIABLE UNDER THIS SECTION FORFEITS ANY RIGHT OF
3 PAYMENT FOR ANYTHING OF BENEFIT OR VALUE PROVIDED TO THE
4 STUDENT ATHLETE AND SHALL REFUND ANY CONSIDERATION PAID TO THE
5 ATHLETE AGENT BY OR ON BEHALF OF THE STUDENT ATHLETE.

6 (3) A VIOLATION OF THIS ARTICLE 4.5 IS A DECEPTIVE TRADE
7 PRACTICE PURSUANT TO SECTION 6-1-105 (1)(kkk).

8 **12-4.5-117. Civil penalty.** ON MOTION OF THE ATTORNEY
9 GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL
10 PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS BUT NOT
11 MORE THAN FIFTY THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE
12 4.5. MONEY COLLECTED UNDER THIS SECTION SHALL BE TRANSMITTED TO
13 THE STATE TREASURER AND CREDITED TO THE GENERAL FUND.

14 **12-4.5-118. Uniformity of application and construction.** IN
15 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE
16 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
17 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

18 **12-4.5-119. Relation to electronic signatures in global and**
19 **national commerce act.** THIS ARTICLE 4.5 MODIFIES, LIMITS, OR
20 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND
21 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT
22 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.
23 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE
24 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003
25 (b).

26 **12-4.5-120. Fees - gifts, grants, donations - software.** (1) (a) ==
27 == THE DIRECTOR SHALL TRANSFER ALL FEES COLLECTED PURSUANT TO

1 THIS ARTICLE 4.5 TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO
2 THE DIVISION OF PROFESSIONS AND OCCUPATIONS CASH FUND, CREATED
3 IN SECTION 24-34-105 (2)(b)(I), REFERRED TO IN THIS SECTION AS THE
4 "FUND".

5 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
6 ASSEMBLY, THE DIRECTOR MAY EXPEND MONEY FROM THE FUND TO
7 ADMINISTER THIS ARTICLE 4.5.

8 (2) THE DIRECTOR MAY SEEK, ACCEPT, AND EXPEND GIFTS,
9 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
10 PURPOSES OF THIS ARTICLE 4.5.

11 (3) TO REDUCE THE FISCAL IMPACTS OF ADMINISTERING THIS
12 ARTICLE 4.5 AND IN FURTHERANCE OF THE DUTIES SPECIFIED IN SECTION
13 12-4.5-105 (4), THE DIRECTOR IS AUTHORIZED AND ENCOURAGED TO
14 COORDINATE WITH THE ADMINISTRATORS OF ATHLETE AGENT
15 REGISTRATION PROGRAMS IN OTHER STATES REGARDING COST-EFFECTIVE
16 MEANS TO REGISTER ATHLETE AGENTS, INCLUDING THE SHARING OF
17 NECESSARY SOFTWARE.

18 **12-4.5-121. Repeal of article.** THIS ARTICLE 4.5 IS REPEALED,
19 EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS ARTICLE 4.5 IS
20 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

21 **SECTION 3.** In Colorado Revised Statutes, 23-16-104, **amend**
22 (1) introductory portion and (1)(d) as follows:

23 **23-16-104. Agent contracts - contents - notice - termination.**

24 (1) In addition to the requirements specified in section ~~23-16-209~~
25 12-4.5-110 for contracts with athlete agents, any agent contract entered
26 into between an athlete agent and a student athlete ~~shall~~ MUST also
27 include:

1 (d) In addition to the warning required to be given to the student
2 athlete as specified in section ~~23-16-209(c)~~ 12-4.5-110(3), the following
3 statement in at least ten-point type that is bold-faced, capitalized,
4 underlined, or otherwise conspicuously set out from surrounding written
5 material:

6 **WARNING TO STUDENT ATHLETE:**

7 **DO NOT SIGN THIS CONTRACT UNTIL YOU**
8 **HAVE READ IT OR IF IT CONTAINS BLANK**
9 **SPACES. DO NOT SIGN THIS CONTRACT IF IT**
10 **DOES NOT SPECIFY ALL OF THE GUARANTEES**
11 **MADE TO YOU BY THE ATHLETE AGENT. IF**
12 **YOU DECIDE THAT YOU DO NOT WISH TO**
13 **PURCHASE THE SERVICES OF THE ATHLETE**
14 **AGENT, YOU MAY CANCEL THIS CONTRACT BY**
15 **NOTIFYING THE ATHLETE AGENT IN WRITING**
16 **OF YOUR DESIRE TO CANCEL THE CONTRACT**
17 **WITHIN FOURTEEN DAYS AFTER THE DATE ON**
18 **WHICH YOU SIGN THIS CONTRACT.**

19 **SECTION 4.** In Colorado Revised Statutes, 24-34-104, **add**
20 **(28)(a)(III) as follows:**

21 **24-34-104. General assembly review of regulatory agencies**
22 **and functions for repeal, continuation, or reestablishment - legislative**
23 **declaration - repeal.** (28) (a) The following agencies, functions, or both,
24 are scheduled for repeal on September 1, 2027:

25 (III) THE REGISTRATION OF ATHLETE AGENTS WHO REPRESENT
26 STUDENT ATHLETES PURSUANT TO THE "REVISED UNIFORM ATHLETE
27 AGENTS ACT (2015)", ARTICLE 4.5 OF TITLE 12.

1 **SECTION 5.** In Colorado Revised Statutes, 6-1-105, **add**
2 (1)(kkk) as follows:

3 **6-1-105. Deceptive trade practices.** (1) A person engages in a
4 deceptive trade practice when, in the course of the person's business,
5 vocation, or occupation, the person:

6 (kkk) VIOLATES ARTICLE 4.5 OF TITLE 12.

7 **SECTION 6. Act subject to petition - effective date -**
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
9 the expiration of the ninety-day period after final adjournment of the
10 general assembly (August 2, 2019, if adjournment sine die is on May 3,
11 2019); except that, if a referendum petition is filed pursuant to section 1
12 (3) of article V of the state constitution against this act or an item, section,
13 or part of this act within such period, then the act, item, section, or part
14 will not take effect unless approved by the people at the general election
15 to be held in November 2020 and, in such case, will take effect on the
16 date of the official declaration of the vote thereon by the governor.

17 (2) This act applies to conduct occurring on or after the applicable
18 effective date of this act.